



PUBLIC NOTICE

Federal Communications Commission
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DA 02-2129

Released: August 29, 2002

COMMENTS REQUESTED IN CONNECTION WITH QWEST'S PENDING SECTION 271 APPLICATIONS

WC Docket Nos. 02-148 and 02-189

Comments Due: September 4, 2002

On August 28, 2002, August 26, 2002, and August 20, 2002, the Commission received the attached *ex parte* filings from Qwest Communications International Inc. ("Qwest") in the above-referenced dockets.¹ These *ex parte* filings revise certain declarations, contained in Qwest's section 271 applications, addressing Qwest's compliance with section 272 and the Commission's implementing rules. Specifically, the revised declarations and the associated *ex parte* filings concern the ability of Qwest to certify that its financial statements are accounted for in accordance with Generally Accepted Accounting Principles ("GAAP").²

We now seek comment on these *ex parte* filings. We have established a short comment period due to the imminent deadline for ruling on Qwest's application in WC Docket No. 02-148.³ Without deciding what reliance, if any, the Commission will place on this information, the Commission encourages interested parties to respond to this evidence. We emphasize that this public notice does not represent a decision about whether we will accord any weight to the supplemental evidence. The Commission expects that a section 271 application, as originally filed, will include all of the factual evidence on which the applicant would have the Commission

¹ Letter from Douglas A. Klein, Attorney for Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket Nos. 02-148 and 02-189 (filed August 28, 2002) (Qwest August 28 *Ex Parte* Letter); Letter from R. Steven Davis, Senior Vice President, Policy and Law, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket Nos. 02-148 and 02-189 (filed August 26, 2002) (Qwest August 26 *Ex Parte* Letter); Letter from Oren G. Shaffer, Vice Chairman and Chief Financial Officer, Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket Nos. 02-148 and 02-189 (filed August 20, 2002) (Qwest August 20 *Ex Parte* Letter).

² Qwest August 20 *Ex Parte* Letter at 2.

³ Comments addressing Qwest's *ex parte* filings should be submitted in both of the above-referenced dockets.

rely in making its determination.⁴ If parties in a section 271 proceeding choose to submit new evidence, however, the Commission retains the discretion to waive its procedural rules and consider the evidence,⁵ “to start the 90-day review process anew, or to accord such evidence no weight.”⁶

Comments By Interested Third Parties. Pursuant to our procedures governing section 271 applications⁷ and sections 1.415 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on such information. Comments must be filed by **September 4, 2002**. We waive section 1.45 of the Commission’s rules insofar as it permits reply comments. All such filings shall refer to the Commission docket numbers, **WC Docket Nos. 02-148 and 02-189**. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. To get further instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form <your e-mail address>.” A sample form and directions will be sent in reply.

If a party chooses to file comments by paper, an original and four copies must be sent to Marlene H. Dortch, Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, CY-B402, Washington, D.C., 20554. Fifteen additional paper copies of each comment must be delivered to Janice Myles, Wireline Competition Bureau, 445 12th Street,

⁴ See Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20570, para. 49 (1997), *writ of mandamus issued sub nom. Iowa Utils. Bd. V. FCC*, No. 96-3321 (8th Cir. Jan. 22, 1998) (*Ameritech Michigan Order*); *Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, 11 FCC Rcd 19708, 19711 (Dec. 6, 1996); *Revised Comment Schedule for Ameritech Michigan Application, as amended, for Authorization under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of Michigan*, Public Notice, DA 97-127 (Jan. 17, 1997); *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 13 FCC Rcd 17457 (Sept. 19, 1997); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA-99-1994 (Sept. 28, 1999) (collectively “271 Procedural Public Notices”).

⁵ See section 1.3 of the Commission’s rules, 47 C.F.R. § 1.3.

⁶ *Ameritech Michigan Order* at 20575, para. 57; Application of Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3968, para. 34 (1999).

⁷ See 271 Procedural Public Notices.

S.W., Room 5-C327, Washington, D.C., 20554. One copy of each paper comment must be sent to the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554.

All filings must contain the docket or rulemaking number that appears in the caption of this proceeding. If more than one docket or rulemaking number appears in the caption, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. The filing hours at this location are 8 a.m. to 5:30 p.m. First-class U.S. Postal Service mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must contain the Docket Number, and must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, **hand-delivered or messenger-delivered filings must be delivered to 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002.**⁸

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com.

If you are sending this type of document or using this delivery method...	It should be addressed for delivery to...
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.)

⁸ See Public Notice, FCC Announces New Filing Location for Paper Documents, DA 01-2919 (rel. December 14, 2001).

